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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,030	12/11/2003	Heng Sheng Kuo	1830-P-14966	4189

7590 06/29/2005
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EXAMINER

CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,030

Applicant(s)

KUO, HENG SHENG

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The term "lightguide" is not commonly known nor defined to be one word. It should be re-written as separate terms (i.e. light guide), throughout the specification.

Appropriate correction is required.

Claim Objections

2. Claims 1 and 8 are objected to because of the following informalities: In claims 1 and 8 the term "lightguide" is objected as not being commonly known nor defined to be one word. It should be re-written as separate terms (i.e. light guide). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 5, line 3, "the fourth reflection material" lacks antecedent basis. This limitation has basis in claim 3. However, claim 5 does not depend on claim 3.

6. Claim 7, line 4, the limitation "a fifth reflection material" is indefinite for lacking a preceding fourth reflection material.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by MURASE et al (US 5,207,493).

9. MURASE discloses a reflection-diffusion structure adopted for a light guide plate, comprising: left and right walls (31,31 fig.4) made of first and second reflection material (col.3, lines 39-41), a bottom wall (29, fig.2) connecting the left and right walls (31, fig.4) and made of a third reflection material (col.4, lines 29-30), a top wall (30, figs.2 & 4) relating to the bottom wall (fig.4) and connecting the left and right walls (31, fig.2), the top wall (30) including an inherently size-adjustable diffusion area (27) made of diffusion material (col.3, line 34), and a receiving cavity (34, fig.4) formed by the left, right, top and bottom walls (31,30,29) for receiving the light guide plate (21) and light (35), wherein the left, right, top and bottom walls (31,30,29) along with first to third reflection materials are made integrally in one piece (col.4, lines 29-37); wherein the top wall (27,30) includes an inherently size-adjustable reflection area (30, figs.2 & 4) made of fourth reflection material (col.4, line 30), mating with the diffusion area (27, col.4, lines

33-35, col.6, lines 62-64) for modifying a size of the diffusion area, the first to fourth reflection materials are made integrally in one piece, are made from plastic, and made of opaque materials (col.4, lines 29-59, col.8, lines 1-25); wherein the diffusion material (27) is made of transparent material and matted-finished face (col.4, lines 60-68); further including an overlapping piece (36 in fig.9) made of a fifth reflection material (col.6, lines 40-46) connecting to the top wall (30, fig.9) or bottom wall (29); further including two reflection members (31,32 opposite each other, fig.2) disposed on two opposing ends of the of the left, right, top and bottom walls (31,30,29, fig.2); wherein the two reflection members respectively extend from the opposing ends of the bottom wall (29) and fold upwardly to connect to the top wall (col.8, lines 9-15).

10. Regarding claim 2 which recites "first reflection material ... and the diffusion material are formed by injection molding", please note that the method of forming the device is not germane to the issue of patentability of the device itself. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, this (i.e. method) limitation have not been given patentable weight.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. UKAI et al (US 6,254,244) show a fully enclosed lighting-display device (fig.1) that includes one-piece reflectors (8,9, fig.2) enclosing a light guide plate. YAGI et al (US 4,017,155) show a one piece reflector (fig.2) having plural connected walls (9 thru 13). TANAKA et al (US 5,040,098) show multiple reflector parts (22,25,25') and diffusing part (26) forming an integral unit (figs.1,4,5) about a light guide plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso
Primary Examiner
Art Unit 2875

June 26, 2005